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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,585	05/23/2001	Terry Hermanson	1907.P124	8392

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NEW YORK, NY 10112

EXAMINER

CHAN, KO HUNG

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 07/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/862,585

Applicant(s)

TERRY HERMANSON

Examiner

Korie H. Chan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9,10 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9,10, and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 1, 4, 6, 7, 9, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Fuss'004. Fuss discloses a tree-top mounting device comprising a housing (**20, fig. 2**), an elongated support (18) slidably received within the housing, **a lock (21, figure 3) to secure the sliding support (18) within the housing**, a fitting head (socket 30, fig. 4) disposed at a distal end of elongated support and a fastener (22) adapted to secure the housing to the tree; a fitting head includes coupling means (30) comprising a disc (fig. 4) and a cylindrical connector (30, fig. 4).

Claim Rejections - 35 USC § 103

Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuss'004 in view of Gladsden et al'270. Fuss'004 disclosed all the claimed features of applicant's claimed invention except for bayonet coupling attachment. Gladsden'270 teaches a light mounted on top of a post having bayonet coupling attachment (38). It would have been obvious to one of ordinary skill in the art to mount the ornament light of Fuss'004 via bayonet coupling as taught by Gladsden'270 for ease in mounting.

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Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Fuss'004 in view of Aldridge'098. Fuss'004 disclosed all the claimed features of applicant's claimed invention except for the fastener as being hook and loop fastener. Aldridge teaches in a tree top mounting assembly of providing hook and loop fastener (20, fig. 4) for securing to the top of the tree. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the clamp fastener of Fuss'004 with hook and loop fastener strap as taught by Aldridge'098. Such modification would have involved a mere substitution of one known fastener for another well-known fastener which is well within the ambit of one of ordinary skill in the art.

Response to Arguments

Applicant's arguments filed 3/14/2002 have been fully considered but they are not persuasive. Applicant's argument that the rod 18 is freely slidable and without locking member to lock the rod within the tubular member 24 or previously equated as the housing in examiner's previous Office action is moot in view of examiner's new grounds of rejection. As discussed above, examiner equates the housing as the cylindrical coupler (20, figure 3) and the fastener (21) prevents the rod (18) from sliding within the coupler 20 when it is tightened.

Applicant's arguments with respect to all pending claims have been considered but are moot in view of the new ground(s) of rejection.


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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 703-305-8079. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Les Braun can be reached on 703-308-2156. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


Korie H. Chan
Primary Examiner
Art Unit 3632

khc
July 19, 2002